

AMENDED IN ASSEMBLY MAY 6, 2009  
AMENDED IN ASSEMBLY APRIL 21, 2009  
AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1300**

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**Introduced by Assembly Member Fletcher**

February 27, 2009

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An act to add ~~and repeal~~ Chapter 3.1 (commencing with Section 4310) of Part 2 of Division 4 of the Public Resources Code, relating to fire protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 1300, as amended, Fletcher. Fire protection: ~~vegetation management pilot program.~~ *fuels reduction grant program.*

Existing law creates the Department of Forestry and Fire Protection within the Natural Resources Agency, and the department is responsible for fire protection, fire prevention, maintenance, and enhancement of the state's forest, range, and brushland resources, contract fire protection, associated emergency services, and assistance in civil disasters and other nonfire emergencies.

~~This bill would require the department to establish and implement a vegetation management pilot program until January 1, 2013. The bill would require the department to choose up to 10 applicant communities based upon specified criteria and provide to those communities incentives for fire prevention vegetation management projects by paying up to \$20 per ton, as specified, for bone dry vegetation removed from the pilot program communities during fire prevention projects. The bill would require the department to seek funding from specified sources;~~

~~as available for fire prevention projects, and would limit the department's administrative costs for selecting projects and preparing a report that would be submitted to the Legislature to no more than 15% of the grant amount for each project selected.~~

*This bill would authorize the department to develop and implement a fuels reduction program that provides competitive grants or other financial incentives to communities located in the wildland-urban interface or very high fire hazard severity zones to conduct fuels reduction efforts that minimize the risk or decrease the intensity of a wildfire in or around a community. Cities, counties, districts, and nonprofit organizations would be authorized to receive the grants. The bill would require the department to develop criteria for the review and approval of grant applications, that may include the establishment of cost sharing requirements and appropriate oversight and reporting requirements.*

*This bill would require that an eligible community meet certain specified criteria and put limitations on the size of trees that could be removed and prohibit those trees from being made into logs of lumber. The bill would require the department to seek funding from specified sources, not including the General Fund, that the program funding used by the department for reasonable and necessary administrative expenses not exceed 5% of the funding source, that the department report to the Legislature yearly, and post the report on its Internet Web site.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Chapter 3.1 (commencing with Section 4310) is  
2     added to Part 2 of Division 4 of the Public Resources Code, to  
3     read:

4  
5             CHAPTER 3.1. FUELS REDUCTION GRANT PROGRAM

6  
7     4310. (a) (1) The department may develop and implement a  
8     fuels reduction program that provides competitive grants or other  
9     financial incentives to communities located in the wildland-urban  
10    interface or very high fire hazard severity zones, as defined in  
11    Section 51177 of the Government Code, to conduct fuels reduction

1 *efforts that minimize the risk or decrease the intensity of a wildfire*  
2 *in or around a community.*

3 *(2) Wildfire risk may include those posed by insect pests or*  
4 *plant diseases injurious to timber, or forest growth.*

5 *(3) The department may structure a grant or offer additional*  
6 *incentives to offset the costs of transporting fuels to a biomass*  
7 *energy facility.*

8 *(b) (1) Grants may be made to cities, counties, districts, and*  
9 *nonprofit organizations. The department shall develop criteria for*  
10 *the review and approval of grant applications that may include*  
11 *the establishment of cost sharing requirements and appropriate*  
12 *oversight and reporting requirements.*

13 *(2) The department may waive or reduce the cost sharing*  
14 *requirements for projects that directly benefit or occur in a*  
15 *disadvantaged community or if the funding source prohibits a cost*  
16 *sharing requirement. The cost sharing requirement may be*  
17 *provided in the form of cash, in-kind services or materials, or any*  
18 *combination of those, as determined by the department.*

19 *(c) To the extent applicable, the department may use or rely on*  
20 *guidelines, funding criteria, fuels reduction or treatment area*  
21 *priorities, assets at-risk designations, or other elements of similar*  
22 *fuels reduction or vegetation management programs pursuant to,*  
23 *for example Article 2 (commencing with Section 4475) of Chapter*  
24 *7 or Chapter 1.696 (commencing with Section 5096.600) of*  
25 *Division 5, when developing a fuels reduction grant program.*

26 *(d) An eligible community shall meet all of the following criteria*  
27 *and any other criteria the department deems appropriate.*

28 *(1) Be a wildland-urban interface community at high risk of*  
29 *wildfire, as defined on page 752 et seq. of Number 3 of Volume*  
30 *66 (January 4, 2001) of the Federal Register, as amended. Also,*  
31 *for purposes of this paragraph, “wildland-urban interface*  
32 *community at high risk of wildfire” means an area having one or*  
33 *more structures for every five acres.*

34 *(2) Be designated as a “Firewise” community or have a*  
35 *community wildfire protection plan approved by the department.*

36 *(3) Have a plan approved by the department or State Fire*  
37 *Marshal to reach full compliance with defensible space*  
38 *requirements pursuant to Section 4290.*

(4) Partner with a community-based nonprofit organization that has among its primary objectives wildfire prevention, planning, or education.

(e) A grant that funds the removal of trees less than 16 inches in diameter at breast height from a firebreak or fuel break shall meet the requirements specified in subdivision (b) of Section 4527.

Trees that are removed shall not be processed into logs or lumber.

(f) (1) The department shall seek funding for the fuels reduction grant program from new state, federal, or private funds dedicated to fire prevention efforts, to the extent the funds are available for those efforts.

(2) The program shall not be funded through the General Fund.

(g) Funds received for the program may be used to cover reasonable and necessary administrative expenses of the department but shall not exceed 5 percent of the funding source.

(h) (1) If the department develops and implements a fuels reduction grant program, it shall report to the Legislature no later than 12 months after the program's initiation, and every 12 months thereafter, including a summary of the amount of grants awarded, grant recipients, funding sources, program accomplishments and effectiveness, and any legislative or other recommendations.

(2) The department shall post this report and other program materials, as appropriate, in a conspicuous location on its Internet Web site.

~~SECTION 1. Chapter 3.1 (commencing with Section 4310) is added to Part 2 of Division 4 of the Public Resources Code, to read:~~

~~CHAPTER 3.1. VEGETATION MANAGEMENT PILOT PROGRAM~~

~~4310. The goals of the vegetation management pilot program established pursuant to this chapter are as follows:~~

~~(a) To provide incentives for fire prevention in and around communities by making the material removed during vegetation management projects for fire prevention worth more to biomass facilities, thereby offsetting more of the cost of doing the work.~~

~~(b) To determine if a small incentive payment on the final disposition of the vegetation materials would statistically increase the amount of fire prevention vegetation management work done.~~

1     ~~4311. (a) Notwithstanding any other law, the department shall~~  
2 ~~establish a vegetation management pilot program to provide~~  
3 ~~incentives for fire prevention vegetation management projects in~~  
4 ~~selected communities by paying up to twenty dollars (\$20) per ton~~  
5 ~~for bone dry vegetation removed from the pilot program~~  
6 ~~communities during fire prevention projects and accepted by a~~  
7 ~~biomass energy facility. The fee shall be paid pursuant to the~~  
8 ~~following considerations:~~

9     ~~(1) Fifteen dollars (\$15) per bone dry ton for communities that~~  
10 ~~are located up to 20 miles away from a biomass energy facility.~~

11     ~~(2) Eighteen dollars (\$18) per bone dry ton for communities~~  
12 ~~that are located 20 to 30, inclusive, miles away from a biomass~~  
13 ~~energy facility.~~

14     ~~(3) Twenty dollars (\$20) per bone dry ton for communities that~~  
15 ~~are located more than 30 miles away from a biomass energy~~  
16 ~~facility.~~

17     ~~(b) The department shall take any action necessary, in its best~~  
18 ~~discretion, to implement the pilot program.~~

19     ~~(c) The community taking part in the pilot program shall work~~  
20 ~~with a biomass energy facility to dispose of the vegetation materials~~  
21 ~~collected, including transportation of the materials.~~

22     ~~(d) The department, in its best judgment when reviewing the~~  
23 ~~applications and based upon the funding available for the term~~  
24 ~~necessary to complete the projects in each community selected,~~  
25 ~~shall choose up to 10 applying communities for inclusion in the~~  
26 ~~pilot program. All of the following criteria shall be used in the~~  
27 ~~selection process:~~

28     ~~(1) The community is a Firewise community, has a community~~  
29 ~~wildfire protection plan approved by a public fire agency, or can~~  
30 ~~otherwise show a concerted and dedicated effort towards wildfire~~  
31 ~~prevention.~~

32     ~~(2) The community has a written plan in place to reach full~~  
33 ~~compliance with existing defensible space requirements.~~

34     ~~(3) The community has made significant strides towards~~  
35 ~~reaching compliance with existing defensible space requirements~~  
36 ~~and has “buy-in” from the local firefighting agency.~~

37     ~~(4) The community has significant wildland urban interface~~  
38 ~~areas.~~

39     ~~(5) The vegetation in the community poses a high hazard,~~  
40 ~~including, but not limited to, chaparral or forested areas.~~

1     ~~(6) The community has a local Fire Safe Council or other entity~~  
2     ~~in place that is willing and able to organize the actual project work~~  
3     ~~and manage the funding that comes through the pilot program.~~

4     ~~(7) The department may also use other criteria it deems~~  
5     ~~appropriate to choose between two otherwise similarly eligible~~  
6     ~~communities after considering all of the requirements set forth in~~  
7     ~~paragraphs (1) to (6), inclusive.~~

8     ~~(8) The department shall consider choosing communities for~~  
9     ~~the pilot program that are geographically widespread throughout~~  
10    ~~the state, but only after considering all of the requirements set forth~~  
11    ~~in paragraphs (1) to (7), inclusive.~~

12    ~~4312. (a) The department shall seek funding for the pilot~~  
13    ~~program from new state, federal, or private funds dedicated to fire~~  
14    ~~prevention efforts, to the extent the funds are available for those~~  
15    ~~efforts.~~

16    ~~(b) The pilot program projects shall not be funded through the~~  
17    ~~General Fund.~~

18    ~~4313. The department shall report to the Legislature, no later~~  
19    ~~than six months after the completion of the final project of the~~  
20    ~~program, regarding the effectiveness of the program and whether~~  
21    ~~its goals were met.~~

22    ~~4314. The department's administrative costs for selecting~~  
23    ~~projects and preparing the report required under Section 4313 shall~~  
24    ~~not exceed more than 15 percent of the grant amount for each~~  
25    ~~project selected. The department may choose to waive its~~  
26    ~~administrative costs in order to fund more fire prevention projects.~~

27    ~~4315. This chapter shall remain in effect only until January 1,~~  
28    ~~2013, and as of that date is repealed, unless a later enacted statute,~~  
29    ~~that is enacted before January 1, 2013, deletes or extends that date.~~